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PLEASE TAKE NOTICE that defendant Harry Macklowe by his undersigned counsel, and pursuant to Fed. R. Civ. P. 12(b)(6), will move before the Honorable Barbara S. Jones, U.S.D.J., at the United States District Courthouse, 500 Pearl Street, New York, New York, 10007, Courtroom 610, on a date and at a time to be determined by the Court, for an Order (i) granting Harry Macklowe's motion to dismiss the Complaint without leave to amend and the action with prejudice, and (ii) granting Mr. Macklowe such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Harry Macklowe shall rely upon the accompanying Memorandum of Law in Support of Harry Macklowe's Motion to Dismiss the Action with Prejudice, the Declaration of Stephanie J. Goldstein in support of Harry Macklowe's Motion to Dismiss the Action with Prejudice, and the Brief in Support of the Soros Defendant's Motion to Dismiss ("Soros Brief").

Dated: New York, New York
December 22, 2008

FRIED FRANK HARRIS SHRIVER
& JACOBSON LLP

By: /s/ Douglas H. Flaum
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